RESOLUTION 2016-113

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "DOLE FRESH FRUIT REFRIGERATED RACK IMPROVEMENTS PROJECT," ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Dole Fresh Fruit Company (Dole), the project proponent/applicant, currently leases 20-acres of land at the District's Tenth Avenue Marine Terminal (TAMT), where it imports and distributes bananas, pineapples and other fresh fruits and vegetables; and

WHEREAS, Dole's cargo is transported in forty-foot containers (Forty Equivalent Units or FEUs), which are plugged into electrical outlets so the produce can be refrigerated and be kept from spoiling; and

WHEREAS, Dole currently has 669 outlets within its leasehold, many of which are pedestals that enable containers to plug in at grade and without the outlets, Dole would otherwise, use diesel generators to refrigerate the containers; and

WHEREAS, Dole proposes to construct and operate five new refrigerated racks that are comprised of multi-level steel platforms with ladders and guardrails approximately 42 feet in height and distribution panels and a monitoring panels on an existing single four-inch concrete pad at grade level (collectively, Project); and

WHEREAS, the proposed new racks would accommodate 94 additional refrigerated containers by stacking the containers four high and five wide, would increase the maximum practical capacity at Dole's leasehold from 730,000 metric tons (MT) annually to 830,000 MT annually, increase throughput from

26,780 FEUs annually (or 515 FEUs per week) to 41,500 FEUs annually (or 798 FEUs per week), result in the need for two additional gangs (involving 24 additional workers) and four additional yard-trucks and facilitate the use on new larger vessels at the premises; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.*, and its implementing regulations, 14 California Code of Regulations Section 15000, *et seq.* (CEQA Guidelines), the District drafted a Draft Environmental Impact Report (EIR), entitled "Dole Fresh Fruit Refrigerated Rack Improvements Project" (UPD#EIR-2015-012, SCH#2015071077), for the Project, which was circulated for 45 days from March 18, 2016 through May 2, 2016; and

WHEREAS, the District received six comment letters concerning the Draft EIR and pursuant to CEQA Guidelines section 15088, the District has prepared written responses to all comments received on the Draft EIR during the public comment period which raised environmental issues; and

WHEREAS, the District has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required; and

WHEREAS, the District has prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the revisions and additions thereto, including an Errata, technical appendices, public comments and the District's responses to public comments on the Draft EIR, which has been filed with the Office of the District Clerk; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091, 15093 and 15097, the District has prepared Findings of Fact, a Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program, all of which are attached hereto and incorporated herein by reference; and

WHEREAS, the Office of the District Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Office of the District Clerk; and

WHEREAS, all materials with regard to the Project were made available to the BPC for its review and consideration of the Project including, but not limited to, the following:

1. The Draft EIR, including appendices (March 2016);

2. The Final EIR (June 2016);

3. The Errata to the Final EIR and proposed Mitigation Monitoring and Reporting Program (June 2016);

4. The Staff Report and Agenda Sheet (July 2016);

5. The proposed Findings of Fact and Statement of Overriding Consideration (July 2016);

6. The proposed Mitigation Monitoring and Reporting Program (July 2016); and

7. All documents and records filed in this proceeding by interested parties; and

WHEREAS, a duly noticed public hearing was held on July 27, 2016 before the BPC, at which the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the BPC, including but not limited to the Draft EIR, Final EIR, Errata to the Final EIR and proposed Mitigation Monitoring and Reporting Program, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Project, the BPC took the actions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board of Port Commissioners (BPC) finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The BPC finds and determines that the applicable provisions of the California Environmental Quality Act (CEQA), CEQA Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The BPC finds and determines that (a) the Final Environmental Impact Report (EIR) is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and District Guidelines for implementation thereof, (b) the Final EIR was presented to the BPC, and the BPC has fully reviewed and considered the information in Final EIR prior to approving the Project or any component thereof, and (c) the Final EIR reflects the District's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this

Resolution; and therefore, the BPC hereby certifies the Final EIR.

4. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15093, the BPC hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact and Statement of Overriding Consideration, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the BPC hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.

6. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the District Clerk shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

7. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

8. As a condition of this approval, Dole shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's certification of the Final EIR, and adoption of the Findings of Fact and Mitigation Monitoring and Reporting Program. Said indemnity and hold harmless condition is independent of any agreements by and between District and the District.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: ~~Assistant~~/Deputy

Attachments:

Exhibit A: Findings of Fact and Statement of Overriding Consideration

Exhibit B: Mitigation Monitoring and Reporting Program

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 27th day of July, 2016, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.
NAYS: None.
EXCUSED: None.
ABSENT: None.
ABSTAIN: None.

Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)

EXHIBIT "A"

THE BOARD OF PORT COMMISSIONERS

OF THE

SAN DIEGO UNIFIED PORT DISTRICT

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR

DOLE FRESH FRUIT REFRIGERATED RACK IMPROVEMENTS PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

(UPD # EIR-2015-012; SCH # 2015071077)

July 2016

EXHIBIT "A"

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TABLE OF CONTENTS

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE DOLE FRESH FRUIT REFRIGERATED RACK IMPROVEMENTS PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT (UPD # EIR-2015-012; SCH # 2015071077)

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District ("Port District" or "District" or "Port") hereby makes the following Findings and Statement of Overriding Considerations concerning the Final Environmental Impact Report (UPD #EIR-2015-012 and SCH #2015071077) for the Dole Fresh Fruit Refrigerated Rack Improvements Project ("Project" or "proposed project"), pursuant to the California Environmental Quality Act, Public Resources Code § 21000, *et seq.* ("CEQA"), and its implementing regulations, California Code of Regulations, title 14, § 15000, *et seq.* ("CEQA Guidelines"). Dole Fresh Fruit Company ("Dole" or "Project Applicant") is the applicant and project proponent for the Project, as described in more detail in Section 1.0.

The Final Environmental Impact Report ("EIR") prepared for the Project consists of the following:

- Chapter 1 is an introduction to the Final EIR;
- Chapter 2 contains the final Executive Summary and Summary of Impacts and Mitigation Measures for the Proposed Project, and a list of public agencies, organizations, and persons commenting on the Draft EIR;
- Chapter 3 contains the errata and revisions to the Draft EIR;
- Chapter 4 contains comments received on the Draft EIR and the Port District's responses to those comments;
- Attachment 1 contains the mitigation monitoring and reporting program;
- Attachment 2 contains the Draft EIR; and
- Attachment 3 contains the appendices to the Draft EIR.

The environmental effects, proposed mitigation measures, and alternatives analyzed in the Draft EIR, and the public comments and responses thereto contained in the Final EIR, have influenced the design of the Project. These environmental documents and procedures reflect the District's commitment to incorporate the environmental considerations identified during the CEQA process into the final project design.

1.0 PROJECT DESCRIPTION

1.1 Project Location

The proposed project site is at 850 Water Street in San Diego, California 92101 and is on Dole's leasehold within the District's Tenth Avenue Marine Terminal ("TAMT"). The TAMT is located along San Diego Bay, south of downtown San Diego, east of the San Diego Convention Center and the Hilton San Diego Bayfront hotel, and adjacent to the San Diego community of Barrio Logan. Harbor Drive is located near the northern boundary of the TAMT. Site access from Harbor Drive is provided at two locations:

- Primary Access: from Cesar E. Chavez Parkway, which becomes Crosby Road as it approaches the terminal.
- Secondary Access: at the southern end of the Hilton hotel parking facility, adjacent to the backlands of the Dole container facility.

Major circulation facilities in the area include State Route 75, also known as the Coronado Bridge, approximately 0.25 mile to the south, and Interstate 5, approximately 0.5 mile to the north.

1.2 Project Components

1.2.1 Refrigerated Racks and Additional Outlets

The proposed Project involves the installation of five new refrigerated maintenance racks to support the grounded refrigerated containers. Each rack would be four containers high and five containers wide. The new refrigerated racks would be multi-level steel maintenance platforms with ladders and guardrails. One rack would be installed at the north bay, and the remaining four racks would be placed on the south bay adjacent to the existing racks, at the northern corner of the Dole facility and generally hidden from public view.

Each rack would include a distribution panel and a monitoring panel on an existing single 4-inch concrete pad at grade level. Each distribution panel would be 48 inches wide, 96 inches tall and 36 inches deep. Each monitoring panel would be 24 inches wide, 36 inches tall and 30 inches deep. No trenching or excavation is needed because the concrete foundations for the maintenance platforms and conduits are already installed.

Refrigerated electrical outlet assemblies would be mounted on the rack columns at each level, resulting in an additional 94 electrical outlets to support refrigerated cargo. The additional electrical outlets would increase site outlet capacity from 669 to 763. Power circuits to the refrigerated racks would use the existing below-grade conduits previously mentioned. The additional power required by the 94 refrigerated outlets is within the existing total electrical capacity of the

infrastructure on the project site, and the electrical provider, San Diego Gas & Electric, would not need to construct new or expanded electrical facilities to provide sufficient service to the project site.

1.2.2 Increased Cargo Throughput

The installation of additional refrigerated racks with additional outlets would enable Dole to increase the number of containers on larger ocean-going vessels planned to enter into service in 2016 through improvement of storage capacity within the project site. The result would be a potential increase in Dole's cargo throughput, with actual throughput to be determined based on market demand. For the purposes of the environmental analysis, it is assumed the additional throughput capacity offered by the proposed Project's additional storage capacity would reach its maximum the day after the Project is constructed, which is conservatively estimated to occur in 2016. Maximum practical capacity at the Dole leasehold is projected to be 730,000 metric tons ("MT") annually. With the Project, it is anticipated that maximum practical capacity would increase by approximately 100,000 MT to 830,000 MT annually. Each 40-foot refrigerated container weighs approximately 20 MT. Therefore, with the additional storage capacity provided by the Project, throughput that could be accommodated on the project site is projected to increase by 14,716 Forty-Foot Equivalent Units ("FEUs") annually (283 FEUs per week), from 26,780 FEUs annually (515 FEUs per week) to 41,500 FEUs annually (798 FEUs per week).

1.2.3 Marine Vessel Activity

Currently, two of Dole's vessels utilize cold ironing (i.e., shore power) while at berth for running onboard electronics and boilers, while the other vessel is powered by onboard auxiliary diesel engines when the vessel is berthed. Dole will replace all three of these vessels and the proposed refrigerated racks would facilitate the increase in cargo from the new vessels. In anticipation of the additional onsite storage provided by the five refrigerated racks, the Project applicant has accelerated delivery of the new vessels by several years; because of the proposed Project, it is anticipated that all three new vessels would enter into service in 2016.

Each vessel would be a fully refrigerated cellular container vessel with a 22,500 gross register tonnage and capable of transporting 770 FEUs. Each would be fitted with electrohydraulic Liebherr gantry cranes and would be capable of an optimized service speed of 19.5 knots at the normal continuous rating and a maximum speed of 21 knots. All of the new vessels will be fitted with integrated Alternative Maritime Power capability (6.6-kilovolt/5-megawatt electrical load [maximum]) for direct plug-in to shore power, eliminating the need for any of the

vessels to run engines while at berth. Therefore, all tenant vessels would use shore power.

Because of the larger vessel size (770 FEUs compared to 491 FEUs), the additional container volume is expected to be handled with the same number of vessel calls that occur today, approximately one ship per week each week of the year, for a total of 52 calls annually. Given the increased capacity of the larger vessels and the refrigerated racks, the use of charter vessels would no longer be necessary after implementation of the proposed Project, which would result in a slight reduction (approximately five annually) in the total number of vessel calls to the terminal.

1.2.4 Cargo Handling Operations

The additional cargo volume that can be carried aboard the larger new vessels, and handled on the project site as a result of the refrigerated racks, would create the need for additional labor and unloading, loading, and cargo storage capability. Although the vessels are capable of carrying up to 770 FEUs, it is estimated that the additional storage area provided by the proposed refrigerated racks is expected to allow for a maximum throughput of up to 798 FEUs per week, up from 515 FEUs under the existing condition. To be conservative, the environmental analysis of all project-related, land-based activities is based on the maximum throughput number of 798 FEUs even though only up to 770 FEU are expected per week.

The increased cargo operation from the proposed Project would require two additional 8-hour shifts per week, bringing the total to two gangs working five 8-hour shifts. Each gang operates six yard trucks. Therefore, the new operation would require an additional 192 truck hours (12 trucks x 16 hours = 192 truck hours) per vessel unloading/loading, for a total of 480 truck hours (12 trucks x 40 hours = 480 truck hours). The peak day operation would not exceed the existing 16 hours per day when two shifts run back-to-back; however, the 16-hour running time would occur up to one more time each week because of the additional shifts required with the proposed Project. Total yard truck operating hours are projected to be 29,583 hours per year, and container handler operating hours are projected to be 2,322 hours per year.

1.2.5 Trucking

With the Project, the number of trucks leaving the terminal would increase to 798 per week, which represents an increase of 283 trucks per week. Truck traffic would access Interstate 5 by traveling along Harbor Drive to 28th Street. Approximately 15.5% of the truck traffic (i.e., 44 trucks) would continue past 28th Street to the National Distribution Center in National City per week. The highest amount of truck traffic traveling to the National Distribution Center on any one

day would be up to 11 truck trips. These trucks would then access I-5 via Bay Marina Drive. Refrigerated cargo originating at the terminal would be destined for various locations throughout the West, with the majority remaining in Southern California.

1.2.6 Workforce

It is estimated that the number of full-time Dole employees would increase by five. The new ships would require two additional shifts to complete discharge operations, equating to an additional 72 union jobs per vessel call.

1.2.7 Life of Project Operations

The analysis considers the environmental impacts associated with the entire lease term. Currently, the lease term is set to expire on December 31, 2027. There are, however, two options to extend the lease. The first option would extend the lease for an additional 5 years through to December 31, 2031. The second option, which would add an additional 4 years beginning January 1, 2032, would extend the lease through to December 31, 2036. Therefore, the analysis in the draft EIR considers the Project's environmental impacts from opening year through to December 31, 2036.

1.2.8 Project Construction

Construction of the Dole Fresh Fruit Refrigerated Rack Improvements Project is expected to last approximately 6 months, beginning in 2016, and would require approximately five construction workers. The steel maintenance racks would most likely be shop-welded and painted, then shipped to the site to be field-bolted and anchored. The largest piece of equipment would be a 10,000-pound-rated mobile crane, which would be used 8 hours per day for 2 months. All additional bolting and erection work would be done with tools from small two-axle trucks and vans. There would be no earthwork or trenching. Saw-cutting would be needed to access conduits beneath the existing concrete.

Steel would be delivered to the site on approximately 20 flatbed trucks over 1 month. Electrical equipment would be delivered by a three-axle van that would make approximately 12 trips over 3 months.

1.3 Project Objectives

The Project is intended to accomplish the following objectives:

1. Upgrade and modernize infrastructure within Dole's existing leasehold to store and process additional refrigerated containers at the Tenth Avenue Marine Terminal to keep up with market demand for fresh fruit.

2. Accommodate an increase in throughput based on business projections beginning in 2016 and into the future.
3. Site and place the equipment in a manner that minimizes visual impacts and reduces ground disturbance or trenching.
4. Be consistent with the District's Climate Action Plan to ensure that the proposed Project does not adversely affect the District's ability to attain its long-range environmental and sustainability goals.
5. Accommodate larger ocean-going vessels by improving the onsite storage at the leasehold.
6. Increase the number of electrical outlets directly connected to the existing electrical grid to run the refrigerated containers, thereby reducing the need for the use of diesel generators.

2.0 ENVIRONMENTAL PROCEDURES

2.1 Lead Agency

Pursuant to CEQA Guidelines §15367, the District is the "lead agency" for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the District will be used by the Board of Port Commissioners, the California Coastal Commission, and City of the San Diego in their respective decisions regarding the following actions associated with the proposed Project:

- Certification of the Final EIR
- Adoption of the Mitigation Monitoring and Reporting Program
- Adoption of the Findings of Fact and Statement of Overriding Consideration
- Issuance of a non-appealable Coastal Development Permit and approval of the Project
- Approval of Concept Approval

Other public agencies that may have an interest in the Project or resources affected by the Project include the United States Department of the Navy, California Air Resources Board, County of San Diego, and the San Diego County Regional Airport Authority.

2.2 Environmental Impact Report

Pursuant to CEQA Guidelines §15080, *et seq.*, the District prepared an EIR to analyze the potential impacts of the Project on the environment. The Final EIR consists of four chapters and three attachments, which contain all of the

information required by CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

2.3 Public Participation

Environmental review of the Project began on August 20, 2016 with the publication of a Notice of Preparation (NOP) of the Draft EIR and a 40-day public review period for the NOP that ended on September 28, 2015. The District held a Public Scoping meeting on September 9, 2015.

The Draft EIR was completed and made available for public review on March 18, 2016. The 46-day public review period ended on May 2, 2016. Four public agencies and one organization submitted written comments on the Draft EIR. No individuals submitted comments. These comments and the District's responses to them are included in the Final EIR as required by CEQA Guidelines sections 15088 and 15132. The Final EIR was completed and the District's responses to comments were made available for review. A public hearing concerning certification of the Final EIR was held by the Board of Port Commissioners of the District on July 27, 2016, at which interested agencies, organizations and persons were given an opportunity to comment on the Final EIR and the Project.

2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the Project shall include the following:

- The Notice of Preparation and all other public notices issued by the Port;
- The Draft EIR (March 2016);
- The Final EIR (June 2016);
- The appendices to the Draft and Final EIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in the Draft EIR, Chapter 9 (References);
- The Mitigation Monitoring and Reporting Program;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the Port's staff and consultants for the Project that are public records;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;

- All findings and resolutions adopted by Board of Port Commissioners in connection with the Project (including these findings), and all documents cited or referred to therein;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearing held on July 27, 2016, concerning the Final EIR and the Project;
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan;
- Any documentary or other evidence submitted to the Port at such information sessions, public meetings, and public hearings concerning the Final EIR and the Project; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents and other materials composing the administrative record of the District's decision concerning certification of the Final EIR is the District Clerk. The location of the administrative record is the District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code § 21081.6(a)(2))

The Board of Port Commissioners has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Board of Port Commissioners as part of the Port files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the District was aware in approving the Project. Other documents influenced the expert advice provided to District staff or consultants, who then provided advice to the Board of Port Commissioners. For that reason, such documents form part of the underlying factual basis for the Board of Port Commissioners' decisions relating to the approval of the Project.

3.0 FINDINGS UNDER CEQA

3.1 Purpose and Terminology

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or

substantially lessen such significant effects." Section 21002 also states that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

Public Resources Code section 21002 is implemented, in part, through the requirement that agencies adopt written findings before approving projects. (See Cal. Pub. Resources Code § 21081 (a); CEQA Guidelines § 15091 (a).) A "finding" is a written statement made by the District, which explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation regarding how the substantial evidence supports the conclusion. For each significant effect identified in the Final EIR, the District is required by CEQA to make a written finding reaching one or more of the following conclusions:

> (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the Final EIR;
>
> (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
>
> (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (CEQA Guidelines §15091(a)).

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

CEQA also requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that will otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines §§ 15091 (a), (b).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The District must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code § 21002.) For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines §§ 15093, 15043 (b); see also Pub. Resources Code § 21081 (b).) The California Supreme Court has stated, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576.)

A statement of overriding considerations is required for this Project because despite implementation of all feasible mitigation measures, a significant post-2020 Greenhouse Gas (GHG or Greenhouse Gas) Emissions impact cannot be mitigated to a less than significant level.

These findings set forth the reasons, and the evidence in support of, the District's determinations.

3.3 Legal Effect

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including the Project Applicant and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the District adopts a resolution certifying the Final EIR and the District and/or the responsible agencies adopt resolution(s) approving the Project.

3.4 Mitigation Monitoring and Reporting Program

In adopting these findings, the District also adopts a mitigation monitoring and reporting program pursuant to Public Resources Code §21081.6. This program is designed to ensure the Project complies with the feasible mitigation measures identified below during implementation of the Project. The program is set forth in the "Dole Fresh Fruit Refrigerated Rack Improvements Project Mitigation Monitoring and Reporting Program," which is adopted by the District concurrently with these findings and is incorporated herein by this reference.

3.5 CERTIFICATION OF THE FINAL EIR

Pursuant to CEQA Guidelines section 15090, the Board of Port Commissioners further finds and certifies that:

(1) The Final EIR has been completed in compliance with CEQA.

(2) The Final EIR has been presented to the Board of Port Commissioners, which constitutes the decision-making body of the lead agency, and the Board has reviewed and considered the information contained in the Final EIR prior to approving the Project.

(3) The Final EIR reflects the Port's independent judgment and analysis

4.0 FINDINGS REGARDING PROJECT SIGNIFICANT EFFECTS

The Project will result in project significant environmental effects with respect to Greenhouse Gas Emissions. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in Chapter 3 (Errata and Revisions) of the Final EIR and Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) of the Draft EIR. A summary of significant impacts and mitigation measures for the Project is set forth in the Final EIR, Chapter 2 (Executive Summary), Table 2-2.

Set forth below are the findings regarding the potential significant effects of the Project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Final EIR (see Final EIR, Attachment 2 [Draft EIR], Chapter 4.0). The Final EIR, which includes the Draft EIR, is referred to in the findings below as the "EIR."

4.1 Greenhouse Gas Emissions, Climate Change, and Energy Use

Impact-GHG-1: Project GHG Emissions through 2020

Potentially Significant Impact: The EIR identifies a potentially significant impact related to Greenhouse Gas ("GHG") Emissions through 2020. Specifically, Project GHG emissions during combined project construction and operational activities, before mitigation, would not achieve the Climate Action Plan's reduction target of 33% below business as usual levels in 2020[1] and would only partially comply with plans, policies, and regulatory programs outlined in the Scoping Plan and adopted by the California Air Resources Board ("ARB") or other California agencies for the purpose of reducing the emissions of GHGs (**Impact-GHG-1**). Detailed information and analysis regarding this potentially significant impact is provided in Attachment 2 (Draft EIR), Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) of the EIR with any subsequent clarifications identified in Chapter 3, Errata and Revisions, of the EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Greenhouse Gas Emissions (Project GHG Emissions through 2020) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact to Greenhouse Gas Emissions (**Impact-GHG-1**) can be mitigated to a level below significance by the Project Applicant (and its contractor, as applicable) through implementation of mitigation measures **MM-GHG-1, MM-GHG-2, and MM-GHG-**

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[1] The District's Climate Action Plan uses a business as usual approach, which was upheld by the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* (November 30, 2015, Case No. 217763), but unlike the business as usual analysis done by the lead agency in the *Center for Biological Diversity* case, the District's Climate Action Plan is tailored specific to the District's geographical jurisdiction and specifies reduction goals by sectors and activities in the District to meet the State's reduction goals as set forth in AB 32. The District's Climate Action Plan does not rely on the California Air Resource Board's business as usual targets.

3, which include implementation of diesel-reduction measures during construction and operations, compliance with District Climate Action Plan measures, and working with ARB, California Energy Commission, and other related agencies and organizations to secure and operate electric cargo handling equipment by 2020 or purchase the equivalent GHG offsets from an ARB-approved registry. Implementation of these mitigation measures will reduce the Project's GHG emissions to 34% below business as usual in 2020 and ensure achievement of the Climate Action Plan's reduction target for District maritime uses/projects (33% below business as usual in 2020) – the category that corresponds to the Project – and compliance with plans, policies, and regulatory programs outlined in the Assembly Bill 32 Scoping Plan and other related programs designed to reduce project GHG emissions.

The mitigation measures are set forth within Attachment 1, Mitigation Monitoring and Reporting Program, and Attachment 2 (Draft EIR), Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) of the EIR, with clarifications (if applicable) within Chapter 3, Errata and Revisions and will reduce potential GHG emission impacts through 2020 to a less than significant level.

Impact-GHG-2: Project GHG Emissions Beyond 2020

Potentially Significant Impact: The EIR identifies a potentially significant impact related to Greenhouse Gas Emissions beyond 2020. Specifically, although the proposed project GHG emissions would be on a downward trajectory, the proposed project's reduction in GHG emissions during combined project construction and operational activities may not contribute sufficiently to post-2020 progress toward statewide 2030 and 2050 reduction goals as set forth in Executive Orders (EO) S-03-05 (which identifies a reduction target of 80% below 1990 levels by 2050) and B-30-15 (which identifies a reduction target of 40% below 1990 levels by 2030) and would not always be in compliance with plans, policies, and regulatory programs adopted by ARB or other California agencies for the post-2020 period for the purpose of reducing GHG emissions (**Impact-GHG-2**). Detailed information and analysis regarding this potentially significant impact is provided in Attachment 2 (Draft EIR), Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) of the EIR with any subsequent clarifications identified in Chapter 3, Errata and Revisions, of the EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Greenhouse Gas Emissions (Project GHG Emissions Beyond 2020) as identified in the EIR; provided, however, specific legal, economic, social, technological, or other considerations make avoiding the impact infeasible. Specifically, while reduction targets for 2030

(48%) and 2036 (59%) were identified based on the EOs' targets, there is no available guidance to determine the Project's fair share reduction to meet the EOs' targets and it is uncertain whether the proposed project would reach a sufficient reduction target by 2030 and 2050. Therefore, despite the incorporation of mitigation measure **MM-GHG-4**, which will reduce the Project's GHG emissions to 55% below business as usual in 2030 and 2036, the Project's emissions of GHGs post-2020 is considered significant and unavoidable. Therefore, pursuant to CEQA Guidelines § 15093, the District has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations below.

Facts in Support of Finding: The potential significant impact related to Greenhouse Gas Emissions Post-2020 (**Impact-GHG-2**) will be substantially reduced with implementation of mitigation measure **MM-GHG-4,** which would require a renewable energy project or purchase of the equivalent GHG offsets from an ARB-approved registry would substantially reduce project GHG remission beyond 2020. However, **Impact-GHG-2** would remain significant because it cannot be stated with certainty that the Project would result in reduced emissions that would represent a fair share of the requisite reductions to achieve statewide post-2020 targets. Consequently, the analysis contained in the EIR determines that the Project may not result in sufficient progress toward long-term local, regional, and statewide reduction targets. Therefore, the Project's contribution of GHG emissions to global climate change in the post-2020 period would be considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

The mitigation measure is set forth within Attachment 1, Mitigation Monitoring and Reporting Program, and Attachment 2 (Draft EIR), Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) of the EIR, with clarifications (if applicable) within Chapter 3, Errata and Revisions. While these mitigation measures would reduce the Project's post-2020 GHG emissions, they would not do so to a less than significant level.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (CEQA Guidelines §15130(a)). Cumulative impacts are those that are considered significant when viewed in connection with the impacts of other closely related past, present, and reasonably foreseeable future projects (CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts,

including projects outside the agency's jurisdiction (CEQA Guidelines §15130(b)(1)(A)). The list of past, present, and reasonably anticipated future projects should include related projects that already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared (CEQA Guidelines §15130 [Discussion]). The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The EIR considered 18 past, present, and reasonably foreseeable projects within the vicinity of the Project in evaluating potential cumulative impacts. A detailed description of these projects is provided in Table 5-2, as revised in Chapter 3, Errata and Revisions, of the EIR, and a map depicting the location of these projects in relation to the project site is provided on Figure 5-1 in Chapter 5 (Cumulative Impacts) of Attachment 2 (Draft EIR) and revised in Chapter 3, Errata and Revisions, of the EIR.

The findings below identify each of the cumulative significant environmental impacts and the mitigation measures adopted to substantially lessen or avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social, or other considerations. The findings incorporate by reference the analysis of cumulative significant impacts contained in the EIR (see EIR, Attachment 2 [Draft EIR], Chapter 5).

4.1 Greenhouse Gas Emissions, Climate Change, and Energy Use

Impact-C-GHG-1: Project GHG Emissions through 2020

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact related to GHG emissions through 2020. Specifically, Project GHG emissions during combined project construction and operational activities, before mitigation, would not achieve the District Climate Action Plan's reduction target of 33% below business as usual in 2020 and would only partially comply with plans, policies, and regulatory programs outlined in the Scoping Plan and adopted by the California Air Resources Board ("ARB") or other California agencies for the purpose of reducing the emissions of GHGs (**Impact-C-GHG-1**). Detailed information and analysis regarding this potentially significant impact is provided in Attachment 2 (Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR with any subsequent clarifications identified in Chapter 3, Errata and Revisions, of the EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Greenhouse Gas Emissions (Project GHG Emissions through 2020) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact to Greenhouse Gas Emissions (**Impact-C-GHG-1**) can be mitigated to a level below significance by the Project Applicant (and its contractor, as applicable) by implementing mitigation measure **MM-C-GHG-1** which includes implementing diesel reduction measures during construction and operation; complying with the District's Climate Action Plan, and securing electric cargo handling equipment or purchasing GHG offsets from a ARB-approved registry. Implementation of these mitigation measures will reduce the Project's GHG emissions to 34% below business as usual in 2020 and ensure achievement of the Climate Action Plan's reduction target for District maritime uses/projects (33% below business as usual in 2020) – the category that corresponds to the Project – and compliance with plans, policies, and regulatory programs outlined in the Assembly Bill 32 Scoping Plan and other related programs designed to reduce project GHG emissions.

The mitigation measure is set forth within Attachment 1, Mitigation Monitoring and Reporting Program, and Attachment 2 (Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR, with clarifications (if applicable) within Chapter 3, Errata and Revisions and will reduce potential cumulative GHG emission impacts through 2020 to a less than significant level..

Impact-C-GHG-2: Project GHG Emissions Beyond 2020

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact related to Greenhouse Gas Emissions in the post-2020 period. Specifically, although the proposed project GHG emissions would be on a downward trajectory, the proposed project's reduction in GHG emissions during combined project construction and operational activities may not contribute sufficiently to post-2020 progress toward statewide 2030 and 2050 reduction goals as set forth in EOs S-03-05 (which identifies a reduction target of 80% below 1990 levels by 2050) and B-30-15 (which identifies a reduction target of 40% below 1990 levels by 2030) and would not always be in compliance with plans, policies, and regulatory programs adopted by ARB or other California agencies for the post-2020 period for the purpose of reducing GHG emissions (**Impact-C-GHG-2**). Detailed information and analysis regarding this potentially significant impact is provided in Attachment 2 (Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR with any subsequent clarifications identified in Chapter 3, Errata and Revisions, of the EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Greenhouse Gas Emissions (Project GHG Emissions Beyond 2020) as identified in the EIR. However, even with mitigation, specific legal, economic, social, technological, or other considerations make infeasible the mitigation measures or project alternatives

identified in the Final EIR. Specifically, while reduction targets for 2030 (48%) and 2036 (59%) were identified based on the EOs' targets, there is no available guidance to determine the Project's fair share reduction to meet the EOs' targets and it is uncertain whether the proposed project would reach a sufficient reduction target by 2030 and 2050. Therefore, despite the incorporation of mitigation measure **MM-C-GHG-2**, which will reduce the Project's GHG emissions to 55% below business as usual in 2030 and 2036, the Project's emissions of GHGs post-2020 is considered significant and unavoidable. Therefore, pursuant to CEQA Guidelines § 15093, the District has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations below.

Facts in Support of Finding: The potentially significant cumulative impact related to Greenhouse Gas Emissions (**Impact-C-GHG-2**) can be reduced, but not to a level below significance, by the District implementing mitigation measure **MM-C-GHG-2** which would implement a renewable energy project or require the purchase of the equivalent greenhouse gas offsets from an ARB approved registry. The post-2020 GHG impact cannot be reduced to a level below significant because it cannot be stated with certainty that the Project would result in reduced emissions that would represent a fair share of the requisite reductions to achieve statewide post-2020 targets. **Impact-C-GHG-2** would remain significant and unavoidable after implementation of **MM-C-GHG-2**. Consequently, the analysis contained in the EIR determines that the Project may not result in sufficient progress toward long-term local, regional, and statewide reduction targets. Therefore, the Project's contribution of GHG emissions to global climate change in the post-2020 period would be considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

The mitigation measure is set forth within Attachment 1, Mitigation Monitoring and Reporting Program, and Attachment 2 (Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR, with clarifications (if applicable) within Chapter 3, Errata and Revisions. While these mitigation measures would reduce the Project's cumulative post-2020 GHG emissions, they would not do so to a less than significant level.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency

has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the Project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed Project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project that could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines §15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives that could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines §15126.6(f)).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the Project has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the District has examined the Project's objectives and weighed the ability of the various alternatives to meet the objectives. The District believes the Project best meets these objectives with the least environmental impact. The objectives considered by the District are set forth in Section 1.3 above and in Attachment 2 (Draft EIR), Section 3.2 (Project Description) of the EIR.

The EIR examined a reasonable range of alternatives to determine whether they could meet the Project's objectives while avoiding or substantially lessening one or more of the Project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social, and technological factors, and whether the

District can reasonably acquire, control, or otherwise have access to the alternative sites (CEQA Guidelines §§ 15126(d)(5)(A), 15364).

The EIR concluded that the Project will result in unavoidable significant direct impacts on Greenhouse Gas Emissions Post-2020 and unavoidable significant cumulative impacts on Greenhouse Gas Emissions Post-2020 because it cannot be stated with certainty that the Project would result in reduced emissions that would represent a fair share of the requisite reductions to achieve statewide post-2020 targets. Additionally, there is no state-wide guidance document to indicate how to achieve the deep reductions set by Executive Orders S-03-05 and B-30-15 and consequently no known reduction targets for beyond 2020 that apply to the Project based on its location and development type. Accordingly, the analysis contained in the EIR determines that the Project may not result in sufficient progress toward long-term local, regional, and statewide reduction targets for post-2020 GHG emissions. The EIR analyzed three alternatives to the Project: (1) the No Project Alternative, (2) the Reduced Project Alternative, and the (3) No Additional Racks/Additional Pedestals Alternative. Detailed information and analysis concerning these alternatives are set forth in Attachment 2 (Draft EIR), Chapter 7 (Alternatives) of the EIR. The following section of these findings summarizes these alternatives and the feasibility of the alternatives as a means to reduce or avoid the unavoidable significant impacts associated with the Project.

6.1 No Project Alternative

The No Project Alternative is an alternative required to be evaluated by CEQA (CEQA Guidelines § 15126(d)(2)). The No Project Alternative assumes that the Project will not be implemented and that existing land uses on the project site will remain unchanged and in their existing condition. The No Project Alternative serves as the alternative against which to evaluate the effects of the Project and other project alternatives.

Under the No Project Alternative, the additional five new refrigerated racks with 94 outdoor refrigerated cargo outlets would not be constructed. However, the tenant's lease does not limit the number of vessel calls, types of vessels, or the amount of throughput and no discretionary actions are required for such activities to occur. Therefore, the new larger vessels planned to call at the project site would still occur in 2016 with or without the proposed Project in an effort to continue to meet U.S. market demand; however, the motivation leading to the transition to larger new vessels would be diminished if the proposed Project were not constructed.

Because the site capacity would not expand by an additional 94 spaces associated with the proposed racks, Dole would not be able to accommodate much more cargo on site at any one time due to the lack of onsite storage space.

Therefore, because a similar number of vessel calls is anticipated to occur whether or not the Project is approved, the unloading and reloading of the larger vessels would take longer due to a lack of onsite storage and the need for offsite storage space. Consequently, the No Project Alternative would result in the need for additional offsite storage, additional movements, and possibly longer vessel calls at berth. Moreover, without the additional 94 electrical outlets proposed by the Project, a greater portion of the future cargo containers would require fossil fuels to run diesel generators to generate electricity (instead of direct connection to the electrical grid) for the refrigeration equipment included on each container. Therefore, there would potentially be an increase in fossil fuel use (e.g., diesel, gasoline) and a reduction in electricity use with the No Project Alternative.

Overall throughput would be similar to (or perhaps slightly less than) the proposed Project because U.S. market demand for fresh fruit would be independent of any project scenario at the TAMT, and Dole is not restricted on the number of vessel calls, types of vessels, or the amount of its Port of San Diego throughput; however, the loading and unloading of vessels would likely be less efficient because of a lack of onsite storage space.

However, the No Project Alternative is not an environmentally preferable alternative, as defined by CEQA, because a greater percentage of generators that are attached to the additional refrigerated containers expected to arrive at the project site would need to run from fossil fuels (e.g., diesel, gasoline), possibly from trailers located off site, and the smaller onsite storage capacity would mean offsite storage would be needed. The No Project Alternative would potentially result in longer hoteling times, more fossil fuel use, and additional movements associated with offsite storage than what is planned under the proposed Project.

The District finds that the No Project Alternative would meet Objective #3 because it would not involve placement of new equipment in a location that could affect visual resources, nor would it require ground disturbance or trenching. However, the No Project Alternative would not result in upgrades to the infrastructure within the project site to increase capacity for additional refrigerated containers, would not accommodate increased throughput based on business projections, and would not allow for the opportunity to implement relevant measures from the District's Climate Action Plan to assist with attaining long-range environmental and sustainability goals. The District finds that all potential significant environmental impacts of the Project will be mitigated by the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: cumulative GHG emissions beyond 2020). The District further finds that the No

Project Alternative would not avoid or substantially lessen the significant potential impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG Emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: Cumulative GHG Emissions beyond 2020). Therefore, the No Project alternative is infeasible because it would not meet most of the Project's basic objectives, would not provide the District and the region with any of the benefits of the Project described above and in the Statement of Overriding Considerations. For the potentially significant impacts associated with the proposed Project that cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.2 Reduced Project Alternative

The Reduced Project Alternative considered the construction of a smaller version of the proposed Project that would propose a smaller increase in cargo storage capacity and would not require as much electricity. Specifically, this alternative assumes a reduction in the on-terminal cargo storage capacity of approximately 40%, which would result in an additional three refrigerated racks supported with 57 refrigerated cargo outlets. Therefore, in terms of the onsite storage capacity that would be provided, the Reduced Project Alternative is situated between the No Project Alternative and the proposed Project.

The potential impacts of the Reduced Project Alternative are discussed in detail in Chapter 7, Section 7.4.2.2 of Attachment 2 (Draft EIR) of the EIR. The Reduced Project Alternative would slightly reduce transportation and reduce energy (electricity) impacts, which were identified as less than significant with implementation of the proposed Project in the EIR. However, the Reduced Project Alternative would have greater air quality and energy (fossil fuel) impacts.

The Reduced Project Alternative would not reduce or substantially avoid any of the other significant impacts identified for the Project, and would require all of the same mitigation measures recommended for the Project to reduce the impacts to a level below significance. Specifically, as with the Project, the Reduced Project Alternative would not avoid or substantially lessen the significant potential impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG Emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: Cumulative GHG Emissions beyond 2020). In addition, because of the increased reliance on fossil fuels compared to the proposed project, the Reduced Project Alternative would result in overall greater GHG impacts.

The Reduced Project Alternative would meet project Objectives #3 and #4 and would partially meet Objectives #1 and #2 as stated in Section 1.3 above. It would meet Objectives #3 and #4 because it would place the equipment in a

manner that minimizes visual impacts and ground disturbance, and it would be consistent with the District's Climate Action Plan to help achieve long-range environmental and sustainability goals. It would only partially meet Objective #1 because it would increase some of the onsite refrigerated storage space that would allow Dole to store and process additional refrigerated containers, but it would hinder Dole's ability to keep up with market demand compared to the proposed Project, which would provide a greater onsite storage area in the form of additional racks. It would partially meet Objective #2 by accommodating the projected increase in throughput, but the proposed Project is being proposed precisely because it is anticipated to be needed to meet business projections. The Reduced Project Alternative would allow for some increase in cargo moving efficiency, but not to the level of the proposed Project. For this reason, the Reduced Project Alternative only partially meets Objective #2.

The District finds that all potential significant environmental impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: cumulative GHG emissions beyond 2020). The District further finds that the Reduced Project Alternative would not avoid or substantially lessen the significant potential impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG Emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: Cumulative GHG Emissions beyond 2020). The District further finds that the Reduced Project Alternative is infeasible because it would not attain several of the basic objectives of the Project and would not provide the District and the region with all of the benefits of the Project described above and in the Statement of Overriding Considerations, and thus would be undesirable. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.3 No Additional Racks/Additional Pedestals

The No Additional Racks/Additional Pedestals Alternative would remove the construction of five new refrigerated racks and would construct outlet pedestals in their place. This would result in additional electrical outlets on site; however, the overall number would be substantially lower than if the additional racks were installed because the pedestals would not be equipped to accommodate stacked containers. Thus, this alternative would increase the number of containers that could plug into the electrical grid compared with the existing condition, but this number would also be substantially below the number of containers that could

plug into the grid under the proposed Project or the Reduced Project Alternative, given this alternative's inability to stack containers.

As discussed under the No Project Alternative and the Reduced Project Alternative, Dole's existing lease does not limit the number of vessel calls, types of vessels, or the amount of Dole's throughput. Consequently, throughput under the No Additional Racks/Additional Pedestals Alternative would be similar to (or slightly less than) the proposed Project, but would not be handled as efficiently. Specifically, with fewer electrical outlets, more future containers processed under the No Additional Racks/Additional Pedestals Alternative would need to rely on fossil fuels to maintain container temperatures instead of electricity, and many of the containers would potentially need to be stored off site. This would result in greater air emissions (including GHGs) when compared with the proposed Project. Moreover, to continue to meet growing demand for fresh fruit in the U.S. (which would be the same with or without the Project), under the No Additional Racks/Additional Pedestals Alternative, the new 770 FEU Dole ships would have to spend more time unloading to allow for the project site storage to become available or to provide for more time associated with storing containers off site.

As with the proposed Project, the No Additional Racks/Additional Pedestals Alternative would result in construction activities that would generate additional air quality emissions. Because there would be no racks proposed and only additional pedestals, however, construction would take less time than both the proposed Project and the Reduced Project Alternative and would produce fewer emissions than each. Therefore, the No Additional Racks/Additional Pedestals Alternative would have reduced construction-related air quality and GHG impacts when compared with the proposed Project. As mentioned under the No Project Alternative and the Reduced Project Alternative, however, the construction component of the proposed Project is relatively small and would not generate a significant amount of air emissions.

Like the Reduced Project Alternative, this alternative was selected for analysis because it would reduce the on-terminal cargo storage capacity and electrical energy consumption requirements of the Project, which would ostensibly reduce impacts associated with GHG emissions and electrical energy demands; however, for reasons mentioned under Chapter 7, Section 7.4.2.1 of Attachment 2 (Draft EIR) of the EIR, a project without additional racks but with additional pedestals would still require offsite storage, with the use of diesel generators to run refrigeration equipment, to make up the difference for the lack of onsite storage. Therefore, while the No Additional Racks/Additional Pedestals Alternative would slightly reduce transportation (because of the slightly reduced throughput from less efficiency) and reduce energy (electricity) impacts from the lack of racks connected to the grid (both impacts which were identified as less than significant with implementation of the proposed Project in the EIR), it would

have greater air quality and energy (fossil fuel) impacts due to the greater reliance on fossil fuels.

The No Additional Racks/Additional Pedestals Alternative would not reduce or substantially avoid any of the other significant impacts identified for the Project, and would require all of the same mitigation measures recommended for the Project to reduce the impacts to a level below significance. Specifically, as with the Project, the No Additional Racks/Additional Pedestals Alternative would not avoid or substantially lessen the significant potential impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG Emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: Cumulative GHG Emissions beyond 2020). In addition, because of the increased reliance on fossil fuels compared to the proposed project, the No Additional Racks/Additional Pedestals Alternative would result in overall greater GHG impacts.

Therefore, while the No Additional Racks/Additional Pedestals Alternative would contribute fewer emissions associated with construction activities, over the life of the Project the air emissions associated with using more fossil fuels for container temperature regulation and from longer vessel calls, which could require offsite storage, would result in greater emissions than the proposed Project. Consequently, air quality and GHG impacts under the No Additional Racks/Additional Pedestals Alternative would increase over existing conditions and would be slightly greater when compared to the proposed Project.

The District finds that the No Additional Racks/Additional Pedestals Alternative would meet project Objective #3 and would partially meet Objectives #1, #2, and #4. It would meet Objective #3 because it would place the equipment in a manner that minimizes visual impacts and ground disturbance. It would only partially meet Objective #1 because it would increase some of the onsite refrigerated storage space that would allow Dole to store and process additional refrigerated containers, but it would hinder Dole's ability to keep up with market demand compared to the proposed Project, which would provide a greater onsite storage area in the form of additional racks. It would partially meet Objective #2 by accommodating the projected increase in throughput, but the proposed Project is being proposed precisely because it is anticipated to be needed to meet business projections. The No Additional Racks/Additional Pedestals Alternative would allow for some increase in cargo moving efficiency, but not to the level of the proposed Project. For this reason, the No Additional Racks/Additional Pedestals Alternative only partially meets Objective #2.

The District finds that all potential significant environmental impacts of the Project will be mitigated through the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant

impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: cumulative GHG emissions beyond 2020). The District further finds that the No Additional Racks/Additional Pedestals Alternative would not avoid or substantially lessen the significant potential impact on Greenhouse Gas Emissions (**Impact-GHG-2**: Project GHG Emissions beyond 2020) and cumulative significant impacts on Greenhouse Gas Emissions (**Impact-C-GHG-2**: Cumulative GHG Emissions beyond 2020). The District further finds that the No Additional Racks/Additional Pedestals Alternative is infeasible because it would not attain several of the basic objectives of the Project and would not provide the District and the region with all of the benefits of the Project described above and in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Attachment 2 (Draft EIR), Section 4.2 (Greenhouse Gas Emissions, Climate Change, and Energy Use) and Chapter 5 (Cumulative Impacts) of the Final EIR.

- **Impact-GHG-2: Project GHG Emissions Beyond 2020.** Although proposed project GHG emissions would be on a downward trajectory in the post-2020 period, the proposed project's reduction in GHG emissions during combined project construction and operational activities, before mitigation, may not contribute sufficiently to post-2020 progress toward statewide 2030 and 2050 reduction targets and would not always in compliance with plans, policies, and regulatory programs adopted by ARB or other California agencies for post-2020 for the purpose of reducing the emissions of GHGs. This impact would remain significant and unavoidable after mitigation because it cannot be stated with certainty that the Project would result in reduced emissions that would represent a fair share of the requisite reductions to achieve statewide post-2020 targets as set forth in Executive Orders S-03-05 and B-30-15. Additionally, there is no state-wide guidance document to indicate how to achieve the deep reductions set by Executive Orders S-03-05 and B-30-15 and consequently no known reduction targets for beyond 2020 that apply to the Project based on its location and development type.
- **Impact-C-GHG-2: Project GHG Emissions Beyond 2020.** Although proposed project GHG emissions would be on a downward trajectory in the post-2020 period, the proposed project's reduction in GHG emissions during

combined project construction and operational activities, before mitigation, may not contribute sufficiently to post-2020 progress toward statewide 2030 and 2050 reduction targets and would not always in compliance with plans, policies, and regulatory programs adopted by ARB or other California agencies for post-2020 for the purpose of reducing the emissions of GHGs. This impact would remain significant and unavoidable after mitigation because it cannot be stated with certainty that the Project would result in reduced emissions that would represent a fair share of the requisite reductions to achieve statewide post-2020 targets as set forth in Executive Orders S-03-05 and B-30-15. Additionally, there is no state-wide guidance document to indicate how to achieve the deep reductions set by Executive Orders S-03-05 and B-30-15 and consequently no known reduction targets for beyond 2020 that apply to the Project based on its location and development type.

District also has analyzed a reasonable range of alternatives to the Project, including the No Project Alternative, the Reduced Project Alternative, and the No Additional Racks/Additional Pedestals Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the District has determined that none of these alternatives meet the basic objectives of the Project and are feasible and environmentally preferable to the Project as approved.

Pursuant to CEQA Guidelines §§ 15043 and 15093, therefore, the District must adopt a Statement of Overriding Considerations in order to approve the Project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social, or other expected benefits of a project outweigh its potentially significant unavoidable environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to a level below significance, the District wishes to make clear its view that the benefits of the Project described below are of such importance to the community as to outweigh all significant adverse impacts described in the EIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines §15093, the District hereby finds that the Project would have the following benefits.

- The Project will advance maritime commerce in accordance with the Public Trust Doctrine, the Port Act, the California Coastal Act and the District's certified Port Master Plan by adding five refrigerated racks containing 94 additional electrical outlets to increase Dole's onsite storage capacity and increase water-dependent cargo throughput. These improvements directly promote uses authorized by the Port Act and the Public Trust doctrine, by

promoting water-related commerce and navigation. These improvements are also consistent with Sect. 30708 of the California Coastal Act, which states that all port-related developments shall be located, designed and constructed so as to (c) give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries and necessary support and access facilities. Finally, these improvements implement the District's certified Port Master Plan, which designates the area as Marine Terminal Industrial and Marine Related Industrial and calls for the "continuation and intensification of cargo operations at the Tenth Avenue Marine Terminal". Therefore, the five refrigerated racks containing 94 electrical outlets are infrastructure improvements that are desirable for water-dependent cargo operations, which will help advance maritime commerce in an appropriately designated area, as specified in the District's certified Port Master Plan, the Port Act, the California Coastal Act and the Public Trust Doctrine.

- The Project site is strategically located on Dole's premises within TAMT and is designed to meet the needs of the larger more efficient vessels and market-demand for fresh fruit. The Project avoids the need for an off-site facility or potentially a larger premise to accommodate the market demands.

- The Project will result in lower air quality impacts and GHG emissions associated with the lessee's operations. Dole's lease currently allows for increased cargo throughput and larger vessels without any further discretionary actions. Therefore, without the Project, larger ships and additional throughput would result in longer hoteling times for vessels, the use of additional onsite generators to refrigerate the containers, and additional cargo handling equipment movements to store the container's offsite. By way of contrast, the Project would eliminate the need for additional fossil fuel generators by relying on electricity to refrigerate the containers and it would enable Dole to increase its onsite storage capacity. By stacking the container's vertically, 94 additional containers can be accommodated within Dole's existing leasehold, which will decrease the vessel's hoteling times and reduce the movements and/or distance to store the containers offsite.

- The Project will increase employment opportunities within the region by providing 5 temporary jobs during its six-month construction period and an additional 72 union jobs per vessel call.

- The Project will stimulate economic growth for the District, City of San Diego and the overall region. The Project will be economically sustainable, generate revenue, and will encourage economic growth through the increase throughout.

- Although it cannot mitigate the Project's post-2020 greenhouse gas emissions to a level below significance, the Project will reduce greenhouse gas emissions by 34% in 2020 and 55% in 2030 and 2036 by requiring Dole to comply with several applicable measures identified in the District's Climate Action Plan and further mitigation measures as specified in the EIR and Mitigation Monitoring and Reporting Program. As a condition of project approval (MM-GHG-2 CAP Measures), Dole is required to use Tier 2 Ocean-going vessels; have all vessels (100%) utilize shore power; comply with the District's Vessel Speed Reduction Program (which targets 80% compliance); utilize designated truck haul routes; prohibit commercial drive through; comply with AB 939 and the City's Recycling Ordinance; and utilize plug-in electrical outlets instead of on-site generators for 94 containers. In addition, the Project Applicant is required to procure additional electric cargo handling equipment, or purchase the equivalent in carbon offsets from an ARB approved carbon registry (MM-GHG-3 CHE Equipment). This measure will be implemented by 2020 and result in a 970 MTCO2e annual reduction for ten years, and again in 2030 for a 1,321 MT CO2e annual reduction for six years. Finally, the Project Applicant is required to implement a renewable energy project onsite, or purchase the equivalent in carbon offsets from an ARB approved carbon registry (MM-GHG-4 PV), which would reduce GHG emissions by 321 MTCO2e annually for six years by 2030. In total, Dole is required to implement greenhouse gas reduction measures that will reduce emissions by 2,473 MTCO2e annually between 2020 and 2030; and 3,243 MTCO2e annually between 2030 and 2036 (i.e. through the life of the lease). This reduction would not be required without the Project.

The District has weighed the benefits of the Project against its potentially significant unavoidable environmental impacts in determining whether to approve the Project. After balancing the specific economic, legal, social, technological, and other benefits of the Project, the Board of Port Commissioners has determined that the unavoidable, significant environmental impacts of the Project are considered "acceptable" because the specific considerations identified above outweigh the significant unavoidable environmental impacts of the Project. Each of the benefits and the fulfillment of the objectives of the Project, as stated herein, are determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, therefore, the District finds that the Project's potentially significant unavoidable environmental impacts are outweighed by the benefits described above.

Mitigation Monitoring and Reporting Program

1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the Dole Fresh Fruit Refrigerated Rack Improvements Project implements environmental mitigation, as required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieve the same or greater impact reduction. Copies of the measures shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

1.2 Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, approval mitigation measures are organized and referenced by subject category. Only greenhouse gas emissions, climate change, and energy use have mitigation measures proposed. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

1.3 Mitigation Language and Numbering

Provides the language of the mitigation measure in its entirety.

1.4 Mitigation Timing

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

1.5 Methods for Monitoring and Reporting

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts. The project proponent, the Dole Fresh Fruit Company, is responsible for implementation of all mitigation measures.

1.6 Responsible Parties

For each mitigation measure, the party responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure is identified.

Table 1. Mitigation, Monitoring, and Reporting Program

Mitigation Measures	Timing and Methods	Responsible Parties
Greenhouse Gas Emissions, Climate Change, and Energy Use		
MM-GHG-1: Implement Diesel-Reduction Measures During Construction and Operations. The project proponent shall implement the following measures during project construction and operations. The project proponent shall submit evidence of the use of diesel reduction measures to the District through annual reporting with the first report due 1 year from the date of project completion and each report due exactly 1 year after, noting all violations with relevant identifying information of the vehicles and drivers in violation of these measures. i. The project proponent shall limit all construction equipment, drayage, and delivery truck idling times by shutting down equipment when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit quarterly reports of violators to the San Diego Unified Port District (District). This measure shall be enforced by Dole supervisors and District personnel, and repeat violators shall be subject to penalties pursuant to California airborne toxics control measure 13 California Code of Regulations Section 2485. The project proponent shall verify that all construction equipment is maintained and properly tuned in accordance with manufacturers' specifications. Prior to the commencement of construction activities, the project proponent shall verify that all equipment has been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the Dole Leasehold.	**Timing:** During project construction and operations **Method:** Implement diesel-reduction measures during construction and operations	**Implementation:** Project Proponent (during operation and construction), Construction Manager (during construction), and General Contractor (during construction) **Monitoring and Reporting:** Qualified agent, approved by and reporting to the District, District's marine terminal supervisors, project proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-GHG-2: Comply with San Diego Unified Port District Climate Action Plan Measures. Effective opening day, the project proponent shall implement the following measures to be consistent with the Climate Action Plan (CAP). • Tier 2 ocean-going vessels (OGVs) shall be used. This is a project feature made into a mitigation measure to ensure compliance. • Tier 2 OGVs shall utilize shore power to achieve 100% cold iron usage, minus idle time to clear customs consistent with California Air Resources Board regulations. This is a project feature made into a mitigation measure to ensure compliance. • Vessels shall comply with the San Diego Unified Port District's voluntary vessel speed reduction program, which targets 80% compliance. • Designated truck haul routes shall be used, and the project proponent shall decrease onsite movements where practicable through the use of the racking system. • No drive-through shall be implemented. • Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be complied with by recycling at least 50% of solid waste; the City of San Diego's Construction and Demolition Debris Deposit Ordinance shall be complied with by recycling at least 50% of all construction debris. This measure shall be applied during construction and operation of the proposed project. • Operation of gensets associated with operation of refrigerated containers shall be replaced with operation of plug-in electricity associated with the five proposed refrigerated racks. This is a project feature made into a mitigation measure to ensure compliance.	**Timing:** During project implementation, through project operation **Method:** Implement specific measures designed to be consistent with the San Diego Unified Port District CAP	**Implementation:** Project proponent **Monitoring and Reporting:** Qualified agent, approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-GHG-3: Work with the California Air Resources Board, California Energy Commission, and Other Related Agencies and Organizations to Secure and Operate Electric Cargo Handling Equipment by 2020 or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry. Prior to January 1, 2020, the project proponent, with assistance from the San Diego Unified Port District (District), shall work with the California Air Resources Board (ARB), California Energy Commission (CEC), and other related agencies and organizations to secure and operate electric cargo handling equipment (CHE) to replace four existing or new diesel-powered yard trucks with four new electric yard trucks and replace an existing or new diesel-powered cargo stacker with one new electric cargo stacker. The project proponent shall commence use of such CHE in project operations before January 1, 2020, and shall provide evidence of such use to the District. This would achieve an annual reduction of 970 metric tons of carbon dioxide equivalent ($MTCO_2e$) in 2020 (relative to diesel-powered equipment). Should it be determined by written evidence submitted to the District and after consultation with ARB and CEC, with the District's participation, that electric CHE cannot be acquired and operated, then before January 1, 2020, the project proponent shall purchase greenhouse gas (GHG) offsets from sources listed on the American Carbon Registry and/or the Climate Action Reserve (or any other such registry approved by ARB) for a total of 16,486 metric tons of GHG emissions (970 metric tons per year for 10 years; 1,131 metric tons per year for 6 years) associated with electricity usage for certain terminal operations (Required Offsets) by the year 2020. Evidence of such purchase shall be submitted to the District prior to January 1, 2020, and subsequent to evidence provided that shows electric CHE equipment is not feasible for the proposed project. Alternatively, if the District identifies local projects, establishes a local GHG emission reduction funding program, or purchases GHG offsets from sources listed on the American Carbon Registry and/or the Climate Action Reserve (or any other such registry approved by ARB) to help meet the District's Climate Action Plan reduction targets, this project-level mitigation requirement will be satisfied if the equivalent amount of required GHG offsets are allocated to the Dole project.	**Timing:** Prior to January 1, 2020 **Method: (1)** Secure and operate electric CHE to replace four existing or new diesel-powered yard trucks with four new electric yard trucks and replace an existing or new diesel-powered cargo stacker with one new electric cargo stacker Or, (2) Purchase GHG offsets from sources listed on the American Carbon Registry and/or the Climate Action Reserve (or any other such registry approved by ARB) for a total of 16,486 metric tons of GHG emissions (970 metric tons per year for 10 years; 1,131 metric tons per year for 6 years) associated with electricity usage for certain terminal operations (Required Offsets) by the year 2020	**Implementation:** Project Proponent, District **Monitoring and Reporting:** District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-GHG-4: Implement a Renewable Energy Project or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry. The project proponent shall incorporate renewable energy into the leasehold premises that achieves at least 1,520 megawatt-hours per year (MWh/year) of renewable energy or demonstrate the equivalent amounts of greenhouse gas (GHG) offsets (total of 1,921 metric tons of carbon dioxide equivalent [$MTCO_2e$]) have been purchased if on-site renewable energy is determined to be infeasible. This requirement (1,520 MWh/year) is based on the 12% increase in energy required by the additional racks over existing conditions. Based on the National Renewable Laboratory's PV Watts tool, the project would need an approximately 997 kilowatt (kW) direct current (DC) system to offset 1,520 MWh/year. Assuming 280 watts per panel, a 440 kW DC system would require 3,561 rooftop or ground-mounted panels. The renewable energy project may be submitted to the San Diego Unified Port District (District) as late as January 1, 2028 in order to consider the latest advancements in energy technology and future regulatory requirements, but may be submitted sooner. However, the renewable energy project must be submitted to the District at least 2 years prior to ensure sufficient time for implementation prior to the January 1, 2030 deadline for operation. Because there is little rooftop area within the leasehold and placing renewable energy structures on the ground may affect cargo movements and storage area, once at the design phase, the renewable energy project may be determined to be infeasible. Should this determination be made by the District after the project proponent submits evidence to support its infeasibility, then an equivalent amount of renewable power shall be purchased in addition to the renewable standards (33% in 2020, 50% in 2030) from sources listed on the American Carbon Registry and/or the Climate Action Reserve (or any other such registry approved by the California Air Resources Board). The $MTCO_2e$ reduction target shall not account for the effect of State measures. This would achieve a 321 $MTCO_2e$ annual reduction for 6 years for a total of 1,921 $MTCO_2e$ (relative to the projected San Diego Gas and Electric power mix in 2030).	**Timing:** At least 2 years prior to January 1, 2030, with a deadline of implementation and operation by January 1, 2030. **Method: (1)** Incorporate renewable energy into the leasehold premises that achieves at least 1,520 MWh/year of renewable energy or (2) Demonstrate and provide evidence that the equivalent amounts of GHG offsets (321 $MTCO_2e$ annual reduction for 6 years or a total of total of 1,921 $MTCO_2e$) have been purchased if on-site renewable energy is determined to be infeasible	**Implementation:** Project Proponent. District **Monitoring and Reporting:** District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-C-GHG-1: Implement MM-GHG-1 through MM-GHG-3 as summarized below. a. Implement Diesel-Reduction Measures during Construction and Operations as directed under MM-GHG-1. b. Comply with San Diego Unified Port District Climate Action Plan Measures as directed under MM-GHG-2. c. Work with the California Air Resources Board, California Energy Commission, and Other Related Agencies and Organizations to Secure and Operate Electric Cargo Handling Equipment by 2020 or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry as directed under MM-GHG-3.	**Timing: Varies;** See timing disclosed under MM-GHG-1, MM-GHG-2, and MM-GHG-3 **Method: See methods described under** MM-GHG-1, MM-GHG-2, and MM-GHG-3	**Implementation:** See responsible implementation parties under MM-GHG-1, MM-GHG-2, and MM-GHG-3 **Monitoring and Reporting:** See responsible monitoring and reporting parties under MM-GHG-1, MM-GHG-2, and MM-GHG-3 **Verification:** District
MM-C-GHG-2: Implement MM-GHG-4 as summarized below. a. Implement a Renewable Energy Project or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry as directed under MM-GHG-5.	**Timing:** See timing disclosed under MM-GHG-4 **Method: See methods described under** MM-GHG-4	**Implementation:** See responsible implementation parties under MM-GHG-4 **Monitoring and Reporting:** See responsible monitoring and reporting parties under MM-GHG-4 **Verification:** District